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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

JASON ROBERT EURICH,

Defendant and Appellant.

G039648

(Super. Ct. No. 96NF2434)

ORDER MODIFYING OPINION AND
DENYING PETITION FOR
REHEARING; NO CHANGE IN
JUDGMENT

It is ordered that the opinion filed herein on March 2, 2009, be modified as follows:

1. On page 5, the first line of the second paragraph should read: “Here, in contrast, substantial evidence supported the jury’s finding defendant committed two separate and distinct robberies.”
2. On page 5, the first line of the third paragraph should read: “We also reject defendant’s claim that commercial robbery is a lesser-included offense of the residential robbery.”

This modification does not effect a change in the judgment. The petition for rehearing is DENIED.

MOORE, J.

WE CONCUR:

BEDSWORTH, ACTING P. J.

FYBEL, J.